

1 April 4, 2019



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, March 6, 2019 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Paul Spies, Vice Chairman  
Phillip "Chip" Cuncell, Vice Chairman  
William Boicourt  
Michael Strannahan

Staff:

Mary Kay Verdery, Planning Officer  
Miguel Salinas, Assistant Planning Officer  
Brennan Tarleton, Planner I  
Elisa Deflaux, Environmental Planner  
Mike Mertaugh, Assistant County Engineer  
Anthony Kupersmith, County Attorney

- 1. Call to Order**—Commissioner Spies called the meeting to order at 9:05 a.m. He started the meeting with a moment of silence in honor of Commissioner Michael Sullivan who recently passed away. Commissioner Spies stated Commissioner Sullivan will be greatly missed, not only by the Commission but by the community at large.

Ms. Verdery stated that staff will greatly miss Commissioner Sullivan, as he was a great asset to the Planning Commission. She noted Commissioner Sullivan came from a business background, was an avid conservationist knew the importance of balanced growth to Talbot County. Ms. Verdery stated that staff condolences go out to Mrs. Jamie Garner (Sullivan) and the family.

Ms. Verdery took a moment to welcome the Commission's newest member, Michael Strannahan. She stated that his commitment to finding solutions and getting to yes by working through the process impressed the interview committee; they were pleased they found a very good addition to the Planning Commission. Mr. Strannahan stated it was an honor to be involved with the Commission. He noted that, other than school, he has always lived in on the Eastern Shore where he ran a family business and worked with non-profit organizations. He stated that he currently works part time at Albright's Gun Shop and is an avid hunter and outdoorsman as well as a clay target shooter. Mr. Strannahan said he hopes to be a small part of helping Talbot County promote the type of growth the County needs and is looking for, but not at the expense of the reasons people choose to live or come here.

**2. Election of Officers**

**Commissioner Boicourt nominated Commissioner Spies for Chairman, Commissioner Cuncell seconded the motion. Ms. Verdery stated the result of the written votes was unanimous for Commissioner Spies (4-0).**

55 **Commissioner Boicourt nominated Commissioner Councill for Vice Chairman,**  
56 **Commissioner Strannahan seconded the motion. Ms. Verdery stated the result of**  
57 **the written votes was unanimous for Commissioner Councill (4-0).**  
58

59 Commissioner Spies explained there were only four (4) members of the Commission  
60 present and that a tie vote would be considered a negative vote. He stated that any  
61 applicant could choose to withdraw their application until the next month without  
62 penalty.  
63

64 **3. Decision Summary Review—January 2, 2019—**The Commission noted the  
65 following corrections to the draft decision summary:

- 66 a. Line 97; change "wash their boats" to "maintain their boats."
- 67 b. Line 108, after the word "General", remove "work has to be done".
- 68 c. Line 127, after "and", delete the word "were".
- 69 d. Line 165; change "Talbot Soil Conservation Department" to "Talbot Soil  
70 Conservation District".
- 71 e. Line 191, insert the word "the" after "presented" so that it reads: "Mr. Tarleton  
72 presented the staff report..."
- 73 f. Line 203, delete the word "Department" and replace with "Conservation District".
- 74 g. Line 293, delete "Tilghman" and replace with "Wylder".
- 75 h. Line 317 deleted the word "staff" and replace with "asked" so that it reads:  
76 "Commissioner Councill asked what elements should be in a Noise Compliance  
77 Plan."
- 78 i. Line 341, delete the word "house" and replace with "hours" so that it reads:  
79 "hours from 7 a.m. to 8 p.m."
- 80 j. Line 346, insert the word "the" before "Inn" so that it reads: "Mr. Flannigan  
81 responded he is only asking what the Inn at Perry Cabin, Tidewater..."
- 82 k. Line 358, correct to read, "Commissioner Boicourt asked how does one ensure the  
83 viability of this property and ensure the residents peaceful enjoyment of their  
84 property."
- 85 l. Commissioner Councill asked that a spell and grammar check be run on the  
86 document and submitted to staff additional grammatical corrections.  
87

88 **Commissioner Boicourt moved to approve the January 2, 2019 Decision Summary,**  
89 **with amendments. Commissioner Councill seconded the motion. The motion**  
90 **carried unanimously.**  
91

92 **4. Decision Summary Review—January 9, 2019—**The Commission noted the  
93 following corrections to the draft decision summary:  
94

- 95 a. Commissioner Councill noted there were a couple of minor spelling errors and  
96 asked that a spell check be run on the document. He also submitted to staff  
97 additional grammatical corrections.  
98

Commissioner Boicourt moved to approve the January 9, 2019 Decision Summary, with amendments. Commissioner Councill seconded the motion. The motion carried unanimously.

5. Old Business—None.

6. New Business

- a. Small Scale Subdivision—Bradbury Farm, LLC, c/o Richard Hutchison—32652 Matthewstown Road, Easton, Maryland 21601 (map 19, grid 23, parcel 57, zoned Agricultural Conservation), Brett Ewing, Lane Engineering, LLC, Agent.

Mr. Tarleton presented the staff report for a small scale subdivision to divide Tax Parcel 57 part of deed parcel 3 into Tax Parcel 57 Lot 1 and Tax Parcel 57 part of Deed Parcel 3 Remaining Lands and establish a 40-foot wide private road right-of-way on a property located at 32652 Matthewstown Road, Easton, Maryland. According to the *Talbot County Code* §190-66.2.B.2, decisions on Small Scale Subdivisions shall be made by the Planning Commission.

Staff recommendation includes:

1. Address the February 13, 2019 Technical Advisory Committee comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to the Preliminary Plat submittal.

Mr. Ewing, Lane Engineering, along with Wanda and Richard Hutchison representing Bradbury Farms, LLC appeared before the Planning Commission. Mr. Ewing stated it is a simple project; a single lot with a 2-acre subdivision. He explained that the creation of the private road resulted in review of the application by the Planning Commission. He further explained that one reason for the proposed private road was due to a MALPF easement on the property which includes lot size limitations and precludes the creation of a pipe stem lot.

Mr. Hutchison stated that Wanda's parents bought the farm in 1949 and his son would like to move there and build a home. Mr. Hutchison noted there is an existing house, septic system and well on the property. He stated that MALPF will not approve their project until they receive a letter from the Planning Office and, once received, will take several months for their review. Mr. Hutchison stated the existing agricultural buildings will become accessory residential structures and the County will allow them up to six months to apply for a building permit for the primary home after approval. He noted the six months was not sufficient if MALPF approval will take four or five months.

Ms. Verdery responded that there is an opportunity to get an extension for extenuating circumstances. Commissioner Boicourt stated it looked like this was a

145 simple case and the Commission could possibly agree to a combined  
146 preliminary/final review.

147  
148 Commissioner Spies asked for public comments; none were made.

149  
150 **Commissioner Strannahan moved to approve the sketch small scale**  
151 **subdivision for Bradbury Farm, LLC, 32652 Matthewstown Road, Easton,**  
152 **Maryland, with all staff conditions being complied with. Commissioner**  
153 **Boicourt seconded the motion. The motion carried unanimously.**  
154

155 There was a subsequent discussion of ways to help expedite the MALPF review  
156 process.

- 157  
158 b. Major Site Plan—Top of the Bay Pet Lodge, c/o Greg Strong—6026 Ocean  
159 Gateway, Trappe, Maryland 21601 (map 48, grid 5, parcel 113, zoned  
160 Agricultural Conservation), Elizabeth Fink, Fink, Whitten & Associates, LLC,  
161 Agent; Bruce Armistead, Armistead, Lee, Rust & Wright, Attorney.  
162

163 Ms. Deflaux presented the staff report for the purpose of demolishing an existing  
164 kennel and several outbuildings and constructing a two-story kennel with the  
165 approximate dimensions of 135 feet by 96 feet to include kennels, exercise areas,  
166 exercise enclosures, storage on the 2nd floor, and associated parking The land use  
167 classification for the project is *Kennel, Commercial, 190-29.2* of the *Talbot*  
168 *County Code*. Land use regulations associated with the use include a minimum  
169 200-foot setback in the AC zoning district and the screening of outside pens.

170  
171 Additionally, the applicant is requesting waivers from the following sections of  
172 the updated *Talbot County Code*: (1) §190.41.3 - Minimum Parking  
173 Requirements; and (2) §190-40.5 - Perimeter Landscape Yards.

174  
175 Staff recommendations include:

- 176  
177 1. Address the February 13, 2019 Technical Advisory Committee comments  
178 from the Department of Planning & Zoning, Department of Public Works,  
179 Environmental Health Department, Talbot Soil Conservation District and the  
180 Environmental Planner prior to the Preliminary Plat submittal.  
181 2. The applicant shall make applications to and follow all of the rules,  
182 procedures, and construction timelines as outlined by the Office of Permits  
183 and Inspections regarding new construction.  
184 3. The Board of Appeals shall approve modifications to their approved side  
185 setback variances, a variance to the rear setback, and a modification to their  
186 Special Exception.  
187 4. The “storage & training building” will need to obtain a certification of  
188 nonconformity or an “after-the-fact” variance for the structure to operate  
189 within the side yard setback as part of the kennel use.

- 190 5. The applicant shall commence construction on the proposed improvements  
191 within twelve (12) months from the date of final approval.  
192 6. Screening and/or fencing, as well as noise attenuation measures required by  
193 the site plan, will be implemented before the occupancy or use of the new  
194 building.  
195

196 Elizabeth Fink, Fink, Whitten & Associates, LLC; Gregory Strong, property  
197 owner; and Bruce Armistead, Armistead, Lee, Rust & Wright appeared before the  
198 Planning Commission on behalf of Top of the Bay Pet Lodge. Ms. Fink stated that  
199 nothing has changed with the site plan associated with the approved modification  
200 to the Special Exception as far as the building size, with the exception of the  
201 building location. She explained that the applicant had to relocate the building  
202 further back on the property and shifted it slightly to the east. She further  
203 explained that when they prepared the topo of the entire site, there was a  
204 significant drainage swale where the building was proposed to go. She concluded  
205 that, in reviewing site conditions with the engineer, modifying that portion of the  
206 property with fill would be a hardship and it would be better to use the natural  
207 drainage as part of the stormwater plan.  
208

209 Ms. Fink stated that the plan is to demolish the existing kennel and build a state of  
210 the art kennel. She said that under Article V of the Code, she had originally  
211 requested a waiver of five parking spaces, and the actually parking shown onsite  
212 is more than what is needed. Ms. Fink explained that kennel clients usually drop  
213 off their dogs and leave. She stated that staff brought to their attention that the  
214 accessory structure also has to account for off-street parking, which is where the  
215 confusion was in the number of parking spaces required and to be waived. She  
216 would like to ask the Commission and Staff to ask for a waiver of nine parking  
217 spaces instead of five.  
218

219 Ms. Fink stated the waiver for required perimeter landscaping under the new  
220 Code is extremely hard to follow. She noted the site is in woods with an extreme  
221 canopy cover and the only trees to be taken down are for the area cleared for the  
222 SDA, the new septic system (the biggest, largest and most expensive in Talbot  
223 County) and any trees that have to be taken out for the facility. She stated they  
224 have prepared a limited planting plan in the areas to be cleared and it will be  
225 aesthetically pleasing.  
226

227 Mr. Strong explained that most customers are dropping off their dogs and are not  
228 on the property for any length of time. He noted that there are plantings along the  
229 entrance of the property and they would dress up the plantings even more than the  
230 plan Ms. Fink is submitting.  
231

232 Commissioner Spies asked if there was enough screening in the winter when there  
233 are no leaves on the trees and if the landscaping plan would address such an issue.  
234 Ms. Deflaux responded that her only concern was the area between the parking  
235 and the yard; everything else is adequately screened. Mr. Salinas stated that,

236 overall, the lot is adequately forested. He noted that the property is irregularly  
237 shaped and the neighbor on the west side built a fence.

238  
239 Commissioner Boicourt stated he supports the waivers, but would like to see  
240 potential parking spaces identified on the plans.

241  
242 Mr. Armistead stated they had been to the Board of Appeals for the previously-  
243 approved modification to the Special Exception and Mr. Strong has been in a  
244 difficult position for over a decade working with the Environmental Health  
245 Department on an existing septic problem. He noted the new system is very  
246 expensive and Mr. Strong simply couldn't justify that amount of expense unless  
247 he had the use approval that he could build this new facility, which is why they  
248 went to the Board of Appeals prior to site plan approval. Mr. Armistead stated the  
249 Board of Appeals approved the Special Exception use for the proposed kennel in  
250 the original location as well as several variances from the two hundred foot  
251 setback. He further stated the architect and engineers then discovered facts the  
252 property owner didn't know at the time about the drainage swale which required  
253 moving the structure further to the north. He noted they have filed an amendment  
254 to the Special Exception to the Board of Appeals, which will also come before the  
255 Planning Commission in April.

256  
257 Commissioner Councell asked about the neighbor who installed the fence and if  
258 that was near the location of the parking lot. Mr. Strong responded that is not  
259 where the parking is and he explained where the parking will be located with the  
260 new facility.

261  
262 Commissioner Spies asked for public comments; none were made.

263  
264 **Commissioner Boicourt moved to approve the major site plan for Top of the**  
265 **Bay Pet Lodge, c/o Greg Strong, 6026 Ocean Gateway, Trappe, Maryland;**  
266 **with all staff recommendations being complied with. Commissioner Councell**  
267 **seconded the motion. The motion carried unanimously.**

268  
269 **Commissioner Boicourt moved to approve the requested waiver of nine**  
270 **spaces for Top of the Bay Pet Lodge, as their operation does not require a**  
271 **large number of standing spaces, with the reminder that the approved**  
272 **number of waived spaces be noted on the Site Plan; and all staff**  
273 **recommendations being complied with. Commissioner Councell seconded the**  
274 **motion. The motion carried unanimously.**

275  
276 **Commissioner Councell moved to approve the landscape waiver requirement**  
277 **for Top of the Bay Pet Lodge, with the stipulation that the landscaping plan**  
278 **be viewed by Commission; and with all staff recommendations being**  
279 **complied with. Commissioner Boicourt seconded the motion. The motion**  
280 **carried unanimously.**  
281

282 **7. Discussions Items**

283  
284 **8. Staff Matters**

- 285 **a.** Ms. Verdery stated Bill 1376 amended the Village Boundaries that were bundled  
286 with an amendment to the Village zoning designations. She stated there were  
287 locations in the Critical Area that went from the Critical Area land management  
288 designation RCA to LDA and there were other changes that were accepted by the  
289 Critical Area Commission. She noted there was no provision in the Zoning  
290 Ordinance for a land management designation comprehensive or sectional  
291 rezoning process and the Zoning Ordinance update (Bill 1401) included text for  
292 such a process. She stated that Bill 1401 went before the Critical Area  
293 Commission last month and the Commission approved Bill 1401 with  
294 approximately eight changes to the Code; relatively minor in nature and not  
295 specific to anything that has great impact. She further stated the changes will have  
296 to go through the legislative process and staff will be coming back before the  
297 Commission, hopefully in April, when the Council introduces the legislation to:  
298 1) make the amendments that are conditions by the Critical Area Commission;  
299 and 2) approve a Map Amendment to comprehensive sectional rezoning of those  
300 areas that were in the RCA that became LDA.

301  
302 **9. WorkSessions**

303  
304 **10. Commission Matters**

305  
306 **11. Adjournment**—Commissioner Spies adjourned the meeting at 10:05 a.m.

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